



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1410
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,567	02/27/2002	Yanchun Zhao	CA920010020US1	7960
25259	7590	11/28/2006	EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			PATEL, NIRAV B	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/084,567	Applicant(s) ZHAO ET AL.	
	Examiner Nirav Patel	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-15 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, 8-15, 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on September 1, 2006 has been entered. Claims 1-2, 4-6, 8-15, 18-23 are pending. Claims 1, 5, 13 are also amended by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-6, 8-15, 18, 19, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarbotton et al (US Patent No. 6,757,830) and in view of Wagner (US Patent No. 6,085,224).

As per claim 1, Tarbotton teaches:

intercepting said message before any content of said message is processed by said server **[Fig.1 col. 3 lines 54-58]**; examining said message to determine if it contains one or more unauthorized elements **[col. 4 lines 14-15]**; examination comprising: receiving an identification of an execution program set to be used to process said message received (i.e. identifying a execution program set) **[Fig. 4, col. 7 lines 14-**

Art Unit: 2135

67, col. 8 lines 1-14, Fig. 2 col. 4 lines 40-44, 46-49]; retrieving an identification of all message types associated with said execution program set (i.e. all message types (e.g. TEXT, HTML etc.) associated with program set as defined in the rule set) **[Fig. 5 col. 8 lines 15-56, Fig. 2 col. 4 lines 55-58];** examining said message received by said server in relation to said message types associated with said execution program set **[Fig. 2 col. 6 lines 18-25, lines 44-47 col. 7 lines 57-65, col. 8 lines 9-15];** determining if said message received by said server contains an unauthorized element in relation to the corresponding message type for said message received **[col. 6 lines 44-49 Fig. 3 col. 7 lines 57-65, col. 8 lines 9-15];**

if it is determined that said message contains an unauthorized element preventing said message received from being processed by said server **[col. 4 lines 62-65];** if it is determined that said message does not contain an unauthorized element allowing said message received to be processed by said server **[col. 4 lines 59-62].**

Tarbotton teaches that intercepting the message by the server [Fig. 2,1]. Tarbotton doesn't expressively mention that message including information for constructing a query (i.e. message or datastream including cookies or string or command) to access data of server.

However, Wagner teaches that message including information for constructing a query (i.e. message or datastream including cookies or string or command) to access data of server [col. 15 lines 45-46, 51-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wagner with Tarbotton to detect the unauthorized

Art Unit: 2135

program or cookies or string embedded within the datastream, since one would have been motivated to restrict access to resources or data on a computer [Wagner, col. 4 lines 7-9].

As per claim 2, the rejection of claim 1 is incorporated and further Tarbotton teaches:

if it is determined that said message received contains an unauthorized element, preventing said message received from being processed by said server, and causing an error notification to be sent to said user [**col. 6 lines 49-53**].

As per claim 4, the rejection of claim 1 is incorporated and is rejected for the same reason set forth in the rejection of claim 2 above.

As per claim 5, it is rejected for the same reason set forth in the rejection of claim 1 above.

As per claim 6, the rejection of claim 5 is incorporated and is rejected for the same reason set forth in the rejection of claim 2 above.

As per claim 8, the rejection of claim 5 is incorporated and is rejected for the same reason set forth in the rejection of claim 2 above.

Art Unit: 2135

As per claim 9, the rejection of claim 8 is incorporated and further Tarbotton teaches:

if it is determined that said message received does not contain an unauthorized element, allowing said message received to be processed by said serve **[col. 4 lines 59-62]**.

As per claim 10, the rejection of claim 1 is incorporated and further Tarbotton teaches:

said message comprises a name-value pair **[Fig. 4]**.

In addition, Wagner teaches that the message comprising a name value pair [col. 15 lines 51-54].

As per claim 11, the rejection of claim 10 is incorporated and further Tarbotton teaches:

element comprises one or more of the following items: an instruction, a command, a character, a parameter, a token, or a string of any of said previous items **[col. 6 lines 22-24]**.

In addition, Wagner teaches element comprises one or more of the following items: an instruction, a command, a character, a parameter, a token, or a string of any of said previous items [col. 15 lines 51-60, col. 16 lines 5-15].

As per claim 12, the rejection of claim 10 is incorporated and further Tarbotton teaches:
element is interpretable as an instruction or command by said server [**col. 6 lines 22-24**].

As per claim 13, it is an apparatus claim corresponds to a method claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above.

As per claim 14, the rejection of claim 13 is incorporated and further Tarbotton teaches:

network server comprises an Internet network server and said message is received over the Internet by said server from a user [**Fig. 1**].

As per claim 15, the rejection of claim 13 is incorporated and is rejected for the same reason set forth in the rejection of claim 2 above.

As per claim 18, the rejection of claim 13 is incorporated and further Tarbotton teaches:

said message comprises a name-value pair and said element is contained by said name-value pair [**Fig. 4**].

As per claim 19, the rejection of claim 18 is incorporated and it is an apparatus claim corresponds to a method claim 11 and is rejected for the same reason set forth in the rejection of claim 11 above.

As per claim 20, the rejection of claim 19 is incorporated and it is an apparatus claim corresponds to a method claim 12 and is rejected for the same reason set forth in the rejection of claim 12 above.

As per claim 21, the rejection of claim 1 is incorporated and Tarbotton teaches the message type [Fig. 5]. Tarbotton doesn't expressively mention that *single token*; *string*; multiple tokens without keywords: OR, UNION and SEMI-COLON; multiple tokens without keywords: UNION and SEMI-COLON; multiple tokens without keywords: SEMI-COLON; and multiple tokens without restriction.

However, Wagner teaches:

the message types are chosen from the group consisting of:

single token (i.e. cookies);

string;

multiple tokens without keywords: OR, UNION and SEMI-COLON;

multiple tokens without keywords: UNION and SEMI-COLON;

multiple tokens without keywords: SEMI-COLON; and

multiple tokens without restriction [col. 15 lines 51-60].

As per claim 22, the rejection of claim 5 is incorporated and is rejected for the same reason set forth in the rejection of claim 21 above.

As per claim 15, the rejection of claim 13 is incorporated and is rejected for the same reason set forth in the rejection of claim 21 above.

Response to Amendment

3. Applicant's arguments filed September 01, 2006 have been fully considered but they are not persuasive.

Applicant argues that:

Tarbotton fails to teach the message types of the claimed invention.

Examiner disagrees with applicant's remark and still maintains that:

Tarbotton's invention relates to field of data processing system for detecting unwanted properties in the received email messages (i.e. messages) [col.1 lines 8-10]. The received message having associated one or more message characteristics. The server receives the message and examines/scans the message for unwanted properties by determining the minimum delay period in dependence upon the one or more message characteristics as show in Figs 1 and 2 [col. 4 lines 14-31]. Fig. 4 illustrates a sequence of rules that applied to the received message in order to determine the minimum delay period to be applied [col. 7 lines 13-15 e.g. *.EXE or *.COM → delay 6 hours or *.DOC or *.BAT → Delay 1 Hour]. As shown in Fig. 4, minimum delay is determined [e.g. *.EXE

Art Unit: 2135

or *.COM → delay 6 hours or *.DOC or *.BAT → Delay 1 Hour], by identifying the characteristic of the received message [i.e. receiving an identification of an execution program set (e.g. *.EXE or *.COM or *.BAT, etc.)], to process the received message. Further, Fig. 5 illustrates that applying the rules (minimum delay) according to the message types for the received message [i.e. retrieving an identification of all message types (e.g. TEXT, HTML, etc.) associated with said execution program set (e.g. PROGRAM.EXE → TEXT, PROGRAM.EXE → HTML, etc.) and applying the minimum-delay (e.g. 12 Hours or 20 Mins) according to the message types]. Therefore, Tarbotton teaches the claimed limitation.

The Applicant is reminded that additional modification to clarify the claimed language is necessary for further consideration and distinction from the prior art.

In response to applicant's arguments for claims 1, 5, and 13, the recitation "...in an environment in which information entered by a user is directly incorporated into a query" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

For the above reasons, it is believed that the rejections should be sustained.

Remarks:

Examiner indicated to the applicant on date 11/15/06 the deficiencies associated with independent claim 1 (and similar independent claims 5 and 13) and further provided explanation on the claim rejection based on the cited prior art. Applicant has intended to modify the claim language to clarify the limitation and provide further distinction from the cited prior art. This action is made final based on the cited prior art and remarks dated on 9/1/06 due to lack of a further response from the applicant.

Conclusion

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

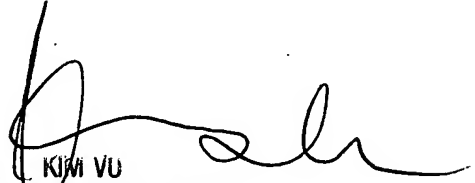
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone

Art Unit: 2135

numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

NBP

11/20/06



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100